

Review of March 18 Draft Delta Plan

General comment on overall Delta Plan:

Future drafts of the Delta Plan should show revision marking, from the last draft, to facilitate identification of pieces of the Plan that have been changed.

General comment, Chapter 1: Chapter 1 provides background as to the establishment of the Delta Stewardship Council and the foundation for the Delta Plan is described. The components of the Plan are outlined, along with identifying adaptive management and the phasing of the plan for the next 5 years and beyond.

Concerns:

Page 4, line 14-21: This language describes protecting the unique resource and cultural values of the Delta. Agriculture should be included as one of the resources protected by the Delta Plan.

Page 7, line 7-23: Inclusion of other plans focuses on BDCP. The Economic Sustainability Plan and Conservancy Strategic Plan should be identified as part of the Delta Plan, along with flood habitat and community plans.

General comments, Chapter 2:

Adaptive Management is described as well as how it will be implemented. This chapter talks about not delaying decisions when desired information is not available.

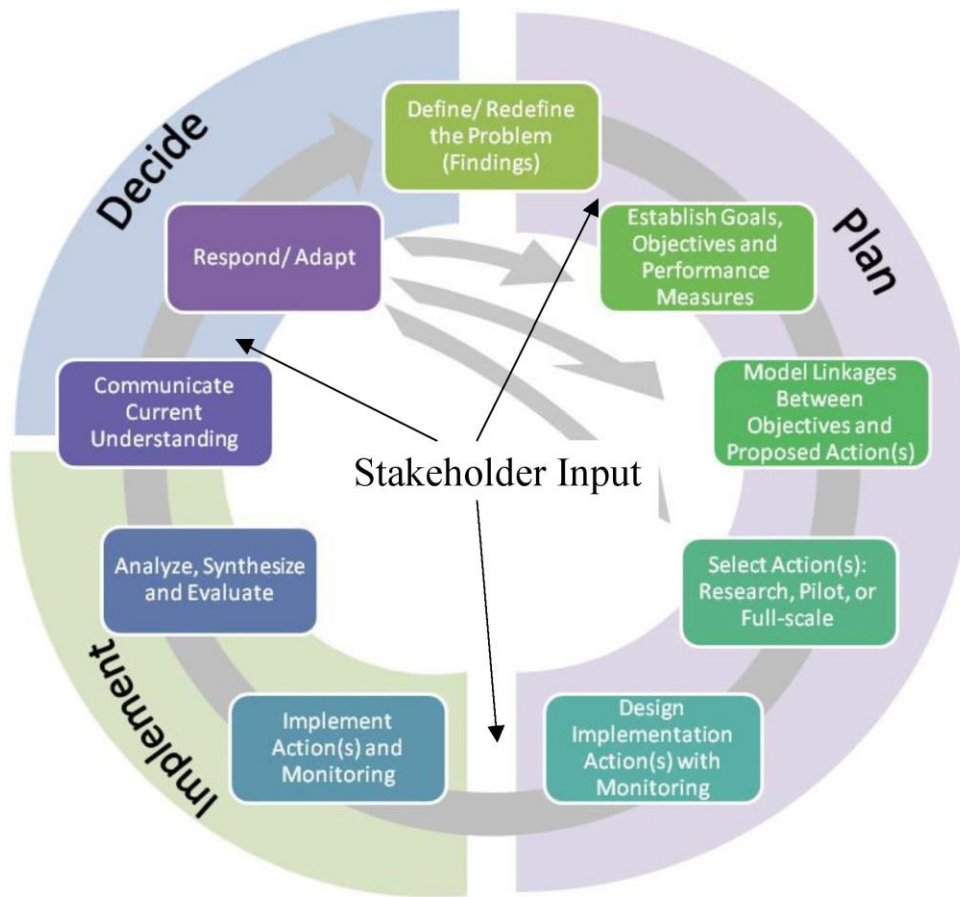
Concerns:

Not delaying a decision should be tempered to acknowledge that if the consequence of making an incorrect decision is greater than the risk of not taking an action, then a decision should be delayed pending improved understanding of the problem.

Page 11: Describes a decision wheel as a part of the process for transparency and good science. The decision wheel does not incorporate input from outside the process. The decision process must incorporate outreach to and input from affected Delta parties, such as property owners, residents, farmers, businesses, and recreationalists. The process as outlined in this chapter is unclear as to the frequency and timing of stakeholder outreach.

Attached is a modified Figure 2-1 is shown below, for example.

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General Comments Chapter 3:

This chapter describes the governance of the Plan to support the co-equal goals. Governance is divided into six sections: Section 1 and 2 describe the decision making process; Sections 3-5 describe the implementing phase and Section 6 makes recommendations for the legislative action.

Concerns:

Page 24, Line 4: Language discusses the commitment of the Plan to making progress on the co-equal goals in a manner that protects and enhances the Delta as an evolving place. This should be expanded to include protecting and enhancing agriculture, habitat and recreation in the Delta as an evolving place. (Throughout this draft there is a trend to define achieving the co-equal goals without “protecting and enhancing” agriculture in particular.)

General comments, Chapter 4:

This chapter describes water resource policies, including flow standards, regional self sufficiency, water use efficiency, water recycling, sustainable water supply, use of non potable ground water, storm water capture and recharge, and desalination. Water use reporting requirements are described; performance measures and targets are to be developed. Recommendations are made as to completion of the BDCP (Dec 2014), when SWRCB regulates groundwater and restrictions on new points of delivery.

Concerns:

Page 29, Lines 13-29: Flow standards are referred to as “public trust flow standards”, public trust flow standards should be defined to include beneficial uses such as ecosystem requirements, water quality, as well as in Delta diversions.

Page 31, Lines 1-8: The recording of diversions in the Delta without considering the pumping necessary to keep the islands dry will set up Delta users for question of reasonable and beneficial use under the public trust doctrine. This should be clarified to look at “Net Use”.

General Comments Chapter 5:

The Introduction and Findings section of this chapter are under development. This chapter makes recommendations for ecosystem restoration,

Concerns:

Restoration activities need to consider the impacts on the local communities and their economies from ecosystem restoration activities. Impacts from projects and actions that benefit communities and users outside the Delta, including upstream watershed users as well as “downstream” users who benefit from exports, should not be at the expense of local communities.

Page 35, Lines 1-3 Policy proposed states that local or regional land use plans shall not preclude opportunities for ecosystem restoration, habitat creation, etc. Language needs to be included that seeks willing participants and/or economic compensation that reflects economic value lost and includes in lieu tax payments to local governments.

Page 35, Lines 13-16 Robust and efficient adaptive management of the BDCP should include language that requires the impact on productive farmland from implementation of the BDCP shall be mitigated and that there is guaranteed funding for long-term maintenance of habitat coming from beneficiaries of water exports.

General Comments Chapter 6:

Chapter 6 concerns water quality and is under development.

General Comments Chapter 7:

This chapter is about reduced flood risks to people, property and state interests in the Delta. It mentions different assessment of risk depending on the type of land use and location within the Delta. Policy proposal is that investment priorities shall recognize measures to reduce risk of loss of life and protect the value of island uses and assets, cross-delta infrastructure, long-term sustainability of the island's current land uses, importance to State and regional interests, Delta hydrodynamics, effects on salinity intrusion and water quality, the ecosystem, and through-Delta water conveyance. Recommendation is made to establish a Delta Flood Control Assessment District.

Concerns:

There should be recognition of the adaptive nature of levee maintenance and the requirements of PL 84-99, under which the ACOE provides standards for non project levees that evolve with changing conditions.

A Delta Flood Control Assessment District should include all beneficiaries/stressors, such as owners of various types of infrastructure located within the Delta, including but limited to water agencies, public and private utility companies and state owned infrastructure.

General Comments: Chapter 8

This chapter is about protecting and enhancing the unique cultural, recreational, natural resources, and agricultural values of the California Delta as an evolving place. It states no covered action involving any municipal, industrial, and/or agricultural development activities will be consistent with the Delta Plan until such time as the Economic Sustainability Plan prepared by the Delta Protection Commission is completed and determined by the Council to be consistent with the coequal goals. It also states support for funding the Delta Investment Fund.

General Comments: Chapter 9

The Delta Plan will include a range of policies for conveyance, ecosystem restoration, levee improvements, science, and governance. The finance plan proposes financing strategies that will generate revenue for these policies, including ongoing operations and future capital improvements described in the Delta Plan. The finance plan is structured so coequal goals can be achieved; financing approaches for recovering ecosystem restoration costs are discussed, as are approaches for a more reliable water supply.

Guiding principles are beneficiaries pay and “stressors” pay (those whose activities cause negative operational and environmental impacts). This chapter describes the various sources of funding and proposes a variety of user fees including a stress and habitat fee, water diversion fee, export fee, fees to support the Delta Stewardship Council, Delta Conservancy and Delta Protection Commission

Concerns:

If “stressor pays” fees are considered for dischargers to the Delta, it should be applied to dischargers in the Sacramento-San Joaquin Delta Watershed. Such fees should be eligible for credits for positive contributions such as creation/maintenance of habitat areas.

The public good charge should not relieve or replace the obligation for beneficiaries of water exports to mitigate for the environmental stressors resulting from export pumps.